

701pto(9/15)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re: Mona Nichole George – ABOVE MED
Debtor

Bankruptcy Case No.
16–20069–drd13

Andrew Jason Doppelt
Plaintiff(s)

Adversary Case No.
16–02017–drd

V.

Access MD, LLC/ d/b/a Trinity School of Medicine
Southcrest Bank, N.A.
SouthEast Bank, N.A. f/k/a SouthEast Bank & Trust
Defendant(s)

PRETRIAL ORDER AND NOTICE OF TRIAL

1. A pretrial telephone conference shall be initiated by the Court and scheduled on: **10/12/16 at 10:00 AM.**
2. A trial shall be scheduled on: **10/20/16 at US Courthouse, Courtroom 4B., 4th Floor, 80 Lafayette Street, Jefferson City, MO 65101 at 01:30 PM.**

Counsel who shall participate and appear at trial shall participate in the Pretrial Conference. Unless otherwise notified, the Court will contact Counsel at the telephone number listed in pleadings on file. Counsel participating in the Pretrial Conference must be prepared to discuss any and all of the following:

- A. Admitted or otherwise uncontroverted facts;
- B. Theories and elements of the respective causes of action and defenses asserted;
- C. Contentions of fact and evidence that support the respective causes of action and defenses;
- D. Contested legal issues.

3. Discovery may commence immediately and, unless otherwise ordered, shall be completed **fourteen (14)** days prior to trial. In addition to Local Rule 7026–1 of this Court, Local Rules 26.4 (Non–filing of Discovery Response), and 30.1 (Depositions), United States District Court, Western District of Missouri, shall apply. However, unless otherwise requested the Initial Disclosures specified in F.R.Civ.P.26(a)(1), and the Conference of Parties and Discovery Plan specified in F.R.Civ.P. 26(f) shall not be required. If a party wishes that such discovery procedures be imposed, a motion to that effect shall be filed as soon as practicable. The complexity of certain cases may be grounds for extensions and continuances when timely filed. A party which does not commence discovery within **thirty (30)** days after service of the complaint should not anticipate being granted a continuance based on the failure to complete discovery.

4. Subject to this Court's Local Rules of Practice, General Orders and Administrative Procedures, a Witness List and Exhibit Index shall be filed and served not later than **seven (7)** days before the hearing. In addition to the Exhibit Index to be filed, complete exhibits shall be redacted, marked and filed in accordance with Local Rule 7016–1 as attachments to the Exhibit Index. Failure to file either the Witness List or Exhibit Index with attached exhibits may result in exclusion of evidence when offered at trial. If the Exhibit Index and exhibits exceed 200 pages in total length, paper copies, organized in document binders, shall be provided to the Clerk's Office in accordance with the timelines set forth above. Unless otherwise provided in F.R.Civ.P 26 (a)(3), or unless a motion in limine is filed, all objections to admissibility of evidence are preserved for trial.

5. Absent good cause, motions to join other parties, or to amend pleadings, shall be filed on or within **thirty (30)** days of this Order. A party desiring to submit a trial brief shall file and serve it on opposing counsel on or before **seven (7)** days prior to trial.

6. Failure to comply with this Order may result in the exclusion of evidence, dismissal of the action, entry of default judgment, striking of pleadings, assessments of costs and attorney fees, or other appropriate action or sanction.

7. The parties are reminded of the provisions of Local Rule 16.1, United States District Court, Western District of Missouri, wherein it is stated:

Counsel are responsible for completing pretrial discovery in the shortest time possible with the least expense and without the necessity of judicial intervention.

IT IS SO ORDERED.

Dated: 8/10/16

/s/Dennis R. Dow
Bankruptcy Judge